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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/659,554	09/09/2003	Joshua Susser	P-3709CNT	3094
24209 7590 04/04/2008 GUNNISON MCKAY & HODGSON, LLP 1900 GARDEN ROAD SUITE 220 MONTEREY, CA 93940			EXAMINER HENEGHAN, MATTHEW E	
			ART UNIT 2139	PAPER NUMBER
			MAIL DATE 04/04/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/659,554

**Applicant(s)**

SUSSER ET AL.

**Examiner**

Matthew Heneghan

**Art Unit**

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**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 30-51, 53 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-51, 53 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 2/26/08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 January 2008 has been entered.

2. In response to the previous office action, Applicant has cancelled claims 1, 52, and 54-56 and amended claims 30, 43, 47, 51, 53, and 57. Claims 30-51, 53, and 57 have been examined.

### ***Terminal Disclaimer***

3. The terminal disclaimers filed on 30 January 2008 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration dates of U.S. Patents Nos. 6,823,520; 6,907,608; and 6,922,835 and any patents granted on U.S. Patent Applications Nos. 10/995,926 and 10/996,266 have been reviewed and are accepted. The terminal disclaimers have been recorded.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

4. Claims 30-51, 53, and 57 are rejected under 35 U.S.C. 102(a) as being anticipated by WIPO Patent Publication No. WO98/32073 to Bischof et al.

As per claims 30, 43, 47, 51, 53, and 57, Bischof discloses the creation and use of guard objects (context barriers) for processing invocations of a context's entry point (see p. 5, lines 26-28) before those contexts are instantiated in response to object requests (see p. 10, lines 10-33). Since execution continues as usual if the guard does not indicate an error (preventing or not preventing access), the context inherently has one or more program modules with executable instructions (see p. 11, lines 1-25). Each context has protected object definitions (see p. 8, lines 11-19). Since it is a computer implementation, there are inherently a processing element and memory for the invention. There are inherently at least zero data definitions. The contexts are in the JVM "sandbox," apart from the remainder of the operating system (see p. 4, lines 14-19; p. 5, lines 22-24; and p. 19, lines 12-20).

As per claims 31 and 32, each program module has a name space (see p. 15, line 8 to p. 16, line 15); any name space can access the entry points of any other object, if permitted.

As per claims 33 and 34, each name space having executable code must have memory to which it can be instantiated i.e. a separate memory space (see p. 19, lines 12-28).

As per claims 35 and 38, the entry to be filtered at the guard may be a principal, object, or action, according to the method being invoked (see p. 21, lines 1-9).

As per claim 36, a security check may be at least a partial name agreement (see p. 15, lines 8-22).

As per claims 37 and 39, programs within a context need not go through the security check for an access.

As per claims 40, 41, 44, 45, 48, and 49, the name of the object and other attributes are stored in the header to the generally-inaccessible guard dispatch table (see p. 19, line 30 to p. 20, line 23).

Regarding claim 42, 46, and 50, any memory large enough to store a set of name spaces is inherently partitioned into smaller memory spaces, which are in a determinable storage space.

### ***Conclusion***

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5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid, can be reached at (571) 272-4063.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Or faxed to:**

(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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/Matthew Heneghan/

Primary Patent Examiner, USPTO AU 2139

April 4, 2008